



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

May 17, 2022

SUBMITTED VIA ONLINE FORM

OSD/JS FOIA Requester Service Center, Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Defense (“DOD”) regulations.

Specifically, CREW requests the following:

1. All records concerning authorization for and the costs of former Senior Advisor to the President Jared Kushner’s use of a government plane for his September 2020, November-December 2020, and January 2021 trips to Saudi Arabia, and any other trips he took to Saudi Arabia between September 1, 2020 and January 20, 2021.
2. All records concerning authorization for and the costs of former Assistant to the President and Special Representative for International Negotiations Avi Berkowitz, Special Representative for Iran Brian Hook’s, and chief executive of the US International Development Finance Corporation Adam Boehler’s use of a government plane for their November-December 2020 trip to Saudi Arabia with Jared Kushner, and any other trips they took with Jared Kushner to Saudi Arabia between September 1, 2020 and January 20, 2021.
3. Records sufficient to identify all passengers on the government planes used for Kushner’s September 2020, November-December 2020, and January 2021 trips to Saudi Arabia, and any other trips he took to Saudi Arabia between September 1, 2020 and January 20, 2021..

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings,

telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On April 10 the New York Times reported that Jared Kushner received a \$2 billion investment for his new investment fund, Affinity Partners, from the Saudi sovereign wealth fund, led by Crown Prince Mohammed Bin Salman, despite objections from the fund's advisors.¹ Throughout his time in the Administration Kushner developed a friendship with Prince Mohammed, defending him in the wake of the killing of journalist Jamal Khashoggi and later working with him to negotiate the Abraham Accords.² The hefty investment as well as the close relationship between the two bring attention to Kushner's travels to the Middle East.

In the last few months of the Trump Administration Kushner made three trips to Saudi Arabia. On September 1, 2020, Kushner met with Prince Mohammed in Riyadh to discuss peace talks between Israel and Palestine.³ On November 30, 2020, Kushner traveled to Saudi Arabia again with "Middle East envoys Avi Berkowitz and Brian Hook as well as Adam Boehler, chief executive of the US International Development Finance Corporation" to make

¹ Kirkpatrick, David and Kate Kelly. "Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts." *New York Times*. April 10, 2022.

<https://www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html>

² *Id.*

³ "Saudi Arabia's crown prince and Kushner discuss resuming Palestinian-Israeli talks" *Arab News*. September 2, 2020. <https://www.arabnews.com/node/1728086/saudi-arabia>

final achievements in the Trump Administration's Middle East policy.⁴ Kushner's final trip took place in early January, when he traveled back to the country for a summit meeting with leaders of the Gulf Cooperation Council on January 5.⁵

The requested records will shed light on the extent of Kushner's meetings with Prince Mohammed and the Saudi Public Investment Fund, as well as the amount of taxpayer funds used to transport and support Kushner and his Administration colleagues on these trips. There is significant public interest in knowing if Kushner used government funds to expand his own personal wealth on trips meant for diplomacy.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

⁴ Stepansky, Joseph. "Jared Kushner takes on Qatar blockade in Middle East 'swan song.'" *Al Jazeera*. December 1, 2020.

<https://www.aljazeera.com/news/2020/12/1/jared-kushner-takes-on-qatar-blockade-in-middle-east-swan-song>

⁵ Bazzi, Mohamad. "Trump and Kushner are claiming credit for solving a conflict they helped inflame." *Washington Post*. January 7, 2021.

<https://www.washingtonpost.com/opinions/2021/01/07/qatar-saudi-arabia-blockade-kushner-trump-mbs/>

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If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at rjacobs@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to rjacobs@citizensforethics.org. If DOD is not able to provide the records electronically, please contact me to arrange an alternative method of transmission. Thank you for your assistance in this matter.

Sincerely,

Rebecca Jacobs
Senior Researcher